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39754-0611
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/065,330	04/23/1998	AMEAE M. WALKER	2500.097US2	7326

20995 7590 01/08/2003
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER	
SAOUD, CHRISTINE J	
ART UNIT	PAPER NUMBER
1647	35

DATE MAILED: 01/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED

JAN 17 2003

H.E.W.M.-P.A.

HEWM LLP - SV Office
Description FINAL OFFICE ACTION / NOTICE OF APPEAL
Due/Rmr 4/8/03
Final/Deadline 7/8/03
Initials 1.116 (2 MONTH) DATE - 3/8/03

OCT 5 2003
U.S. Patent and Trademark Office

SEP 23 2003

**Office Action Summary**

Application No. 09/065,330	Applicant(s) WALKER
Examiner Christine Saoud	Art Unit 1647

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --***Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on Oct 26, 2002
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.
- 4) Claim(s) 1-6 and 9-11 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-6 and 9-11 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ | 6) <input type="checkbox"/> Other: _____ |

Please type a plus sign (+) inside this box



9-25-03 41

1647

PTO/SB/21 (6-99)

Approved for use through 09/30/2000. OMB 0651-0031

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SEP 23 2003

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	09/065,330
		Filing Date	APRIL 23, 1998
		First Named Inventor	AMEAE M. WALKER
		Group/Art Unit	1647
		Examiner Name	SAOUD, CHRISTINE J.
Total Number of Pages in This Submission	10	Attorney Docket Number	39754-0611 1CP1CP

ENCLOSURES (check all that apply)

Fee Transmittal Form

Fee Attached

AMENDMENT / RESPONSE

After Final

Version With Markings Showing Changes

Affidavits/declaration(s)

Extension of Time Request

Information Disclosure Statement

Certified Copy of Priority Document(s)

Response to Missing Parts/ Incomplete Application

Response to Missing Parts under 37 CFR 1.52 or 1.53

Copy of Notice

Copy of an Assignment

Drawing(s)

Licensing-related Papers

Petition Routing Slip (PTO/SB/69) and Accompanying Petition

Petition to Convert to a Provisional Application

Power of Attorney, by Assignee to Exclusion of Inventor Under 37 C.F.R. §3.71 With Revocation of Prior Powers

Terminal Disclaimer

Small Entity Statement

Request for Refund

After Allowance Communication to Group

Appeal Communication to Board of Appeals and Interferences

Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)

Proprietary Information

Status Letter

Additional Enclosure(s) (please identify below):

STAMPED RETURN POSTCARD

Remarks

AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT 08-1641 FOR ANY FEES DUE IN CONNECTION WITH THIS PAPER, REFERENCING ATTORNEY'S DOCKET NO. 39754-0611 1CP1CP.

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual name	HELLER EHRLICH WHITE & McAULIFFE LLP 275 Middlefield Road, Menlo Park, California 94025	JAMES A. FOX (Reg. No. 38,455) Telephone: (650) 324-7000 Facsimile: (650) 324-0638
Signature		
Date	September 23, 2003	Customer Number: 25213

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated below and addressed to: MAIL STOP NON-FEE AMENDMENT, Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450, on this date: September 23, 2003

Express Mail Label EV 346 724 366 US

Typed or printed name	C. FONG		
Signature		Date	September 23, 2003

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop _____, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.